

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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AUDRY MALCOLM,  
*On behalf of herself and all other employees  
similarly situated,*  
&  
PETER LUCIANO,  
*On behalf of himself and all other employees  
similarly situated*

v.

EASTMAN KODAK COMPANY

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**ORDER TO MODIFY ORDER  
PRELIMINARILY APPROVING  
SETTLEMENT**

**Civil Actions  
No. 03-CV-6589 T(P)  
No. 04-CV-6194 CJS (F)**

**WHEREAS** the date for mailing of Class Notice is to be not later than July 7, 2006 as provided in paragraph 7 of the parties' February 15, 2006 Class Action Settlement Agreement and Release ("Settlement Agreement") and in paragraph 11 of this Court's February 17, 2006 Order Preliminarily Approving Settlement ("Order"); and

**WHEREAS** counsel for Kodak delivered to counsel for plaintiffs a [proposed] Class Notice and a [proposed] Claim Form for approval on March 6 and March 7, 2006, respectively, and counsel for the parties have discussed these documents and believe that they are close to agreement but need more time to work out drafting details; and

**WHEREAS** the Settlement Agreement provides in paragraph 19 that the Class Notice should be delivered to the Court for approval three weeks after the February 15, 2006 date of execution of the Settlement Agreement, which would be March 8, 2006; and

**WHEREAS** the parties need more time to agree on revisions of the Class Notice, Claim Form and form of Receipt, and taking more time for these revisions will not delay implementation of the settlement because the Class Notice is not due to be mailed out until July 7, 2006; and

**WHEREAS** paragraph 16 provides for amendments to the Settlement Agreement upon written agreement of the Plaintiffs' and Defense Counsel and approval by the Special Master or the Court;

**IT IS HEREBY ORDERED**, that the parties shall submit the Class Notice, Claim Form and Receipt to the Court for approval by not later than May 3, 2006.

**IT IS SO ORDERED.**

Dated: March 10, 2006

S/ MICHAEL A. TELESKA  
Honorable Michael Telesca  
United States District Judge